

consideration of the Joint Resolution proposing an amendment to the Constitution, so as to allow Banking, which was taken up and read.

Mr. Guinn moved the indefinite postponement of the Joint Resolution.

On motion of Mr. Wigfall, the Senate adjourned until to-morrow morning 10 o'clock.

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SATURDAY, January 30, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Britton presented the memorial of Owen, Jones, Hubbard, and Merick; referred to the committee on Internal Improvements.

Mr. Pedigo presented the memorial of Thos. J. Chambers referred to the committee on State Affairs.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported—

A bill to legalize surveys in the disputed territory between Milam and Bexar land districts;

A joint resolution proposing an amendment to the Constitution; and

A joint resolution authorizing and requiring the Governor and Comptroller to contract for re-modeling the roof and re-covering the Capitol and old Land Office, correctly engrossed.

Mr. Fall made the following report:

The committee of conference, to which were referred the matters of disagreement between the two Houses on the bill for locating the county seat of Angelina county, have considered the facts in the case, and instruct us to report the accompanying bill as a substitute for both Senate's and House's bills referred to them, and recommend its passage. The substitute has been presented to the House of Representatives.

J. N. FALL,  
Chairman on part of the Senate.  
THOS. J. JENNINGS,  
Chairman on part of the House.

Mr. Potter introduced a bill to provide for a Digest of the laws of Texas ; read first and second times and referred to the Judiciary committee.

Mr. Stockdale introduced a bill supplemental to an act to provide for the incorporation of towns and cities ; read first time.

On motion of Mr. Stockdale, the rule was suspended, bill read a second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

Mr. Quinan introduced a bill to repeal an act of Jan. 28th, 1856, to authorize and require the county court of Brazoria county to establish, discontinue and regulate roads, public and private, in said county, and to cause public roads and bridges to be constructed, &c., &c.; read first time.

On motion of Mr. Quinan, the rule was suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

On motion of Mr. Pedigo, a bill for the relief of John E. Mashburn was taken up, read a second time and ordered to be engrossed.

Rule suspended, bill read a third time and passed.

Mr. Paschal made the following report :

The committee on Internal Improvements have instructed me to recommend the passage of the accompanying bill :—

A bill supplemental to an act to encourage the construction of railroads in Texas by donations of lands, approved Jan. 30th, 1854 ; read first time.

On motion of Mr. Paschal, the rule was suspended, and bill read second time.

On motion of Mr. Quinan, the bill was laid on the table.

Mr. Tankersly moved to take from the table the bill for the relief of the creditors and colonists of the German Emigration Company, &c., &c.; lost.

Mr. Caldwell made the following report :

The committee of conference on the disagreement of the two Houses relative to the bill for the purchase of a permanent location for the Institution for the instruction of the Deaf and Dumb, have considered the same and instruct us to report, that they have unanimously agreed to all the Senate's amendments to said bill, except that which relates to the purchase of the present site of said Institution. They have thought it best to strike from the bill all which relates to the present site of the school, and they ask to be considered a

committee of free conference in making such alterations in the bill, and the sanction of the two Houses to the same.

JOHN CALDWELL,

Chairman on part of the Senate.

P. W. KITTRELL,

Chairman on part of the House.

On motion of Mr. Caldwell, the rule was suspended, report taken up and adopted.

Mr. Graham, by leave, presented the petition of Joel Moss; referred to the committee on Private Land Claims.

Mr. Martin made the following report:

The committee on Private Land Claims have considered the petition of W. B. Mauldin, and instruct me to report the accompanying bill and recommend its passage:—

A bill for the relief of W. B. Mauldin; read first time.

On motion of Mr. Throckmorton, the rule was suspended and bill read a second time.

On motion of Mr. McCulloch, the previous question was ordered, and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Erath, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pedigo, Potter, Russell, Scarborough, Shepard, Tankersly, Taylor of Cass, Taylor of Houston, Throckmorton, Truitt, Walker, Whaley and Wren—23.

NAYS—Messrs. Caldwell, Fall, Graham, Pirkey, Stockdale and Taylor of Fannin—6.

On motion of Mr. McCulloch, the rule was suspended, bill read a third time and passed.

On motion of Mr. Throckmorton, a bill for the relief of pre-emption settlers under the acts of Jan. 22, 1845, Feb. '1853, and Feb. 13, 1854, with the report of the committee of the Land Office, offering amendments thereto, was taken up read, and amendments adopted.

The bill was then passed to a third reading.

On motion of Mr. Erath, the rule was suspended, bill read a third time and passed.

On motion of Mr. McCulloch, a House bill for the relief of James T. Gorman was read and passed to a third reading.

Rule suspended, bill read a third time and passed.

On motion of Mr. Wren, the joint resolution, proposing a amendment to the Constitution, so as to prohibit the Legislature from entertaining applications for relief, upon private

claims, from and after the 1st of November, 1861, was taken up and read a third time.

Mr. Erath offered the following amendment :

These provisions shall not prevent the Legislature from relieving individuals claiming lands under the Government of Mexico or the Republic of Texas, whose claims have been acknowledged by genuine titles or certificates by said governments, and may be defective in form or conflicting with each other." Rejected.

Upon the final passage of the joint resolution the yeas and nays stood as follows, viz :

YEAS—Messrs. Burroughs, Caldwell, Fall, Graham, Grimes, Guinn, Herbert, Lott, Martin, Pirkey, Potter, Quinan, Russell, Shepard, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truitt, Walker, Wigfall and Wren—21.

NAYS.—Messrs. Britton, Erath, Hyde, McCulloch, Maverick, Paschal, Scarborough, Stockdale, Tankersly, Throckmorton and Whaley—11.

So the joint resolution was rejected—two-thirds being necessary to its passage.

Mr. Taylor of Houston, Chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor :

A bill defining the times of holding the District Courts in the 12th Judicial District ;

A bill for the relief of James Starritt ;

A bill for the relief of Helena Eggeling ;

A bill to incorporate the Beneficiary Association of San Antonio ;

A bill to incorporate the Houston Insurance Company ;

A bill to incorporate the New Braunfels Academy ;

A bill to incorporate the Union Hill High School ; and

A bill to authorize and require the Commissioner of Claims to approve certain bounty and donation land certificates therein named.

#### ORDERS OF THE DAY.

Mr. Guinn withdrew his motion to indefinitely postpone the joint resolution proposing an amendment to the Constitution, so as to allow banking.

Mr. Paschal offered the following amendment :

No corporate body shall hereafter be created, renewed or extended, with banking or discounting privileges, unless by a

vote of two-thirds of both branches of the Legislature, not without restricting the issue of such banking corporations to two dollars for every three actually paid in of the capital stock ; nor unless such bank or corporation deposit with the Treasurer or Comptroller of the State, of the capital so paid in bonds of the State of Texas or of the United States, to an amount equal in value to the amount of the notes put in circulation by such bank or corporation, to be held in security for the redemption of its notes ; nor shall any such bank or corporation be allowed to issue bills of a less denomination than ten dollars, and each stockholder shall be personally liable for the notes put in circulation to the extent of the stock held by him, after the exhaustion of the bonds so deposited.

Mr. Shepard offered a substitute for the resolution and amendment, proposing simply to amend the Constitution by striking out the anti-banking clause ; rejected.

On motion of Mr. Stockdale, the Senate adjourned until 7 o'clock, P. M.

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#### 7 O'CLOCK, P. M.

The Senate met—roll called, quorum present.

On motion of Mr. Tankersly, the joint resolution and proposed amendment were referred to the Judiciary committee with instructions to report on Tuesday next.

By leave, Mr. Throckmorton introduced a bill granting pay to Abner C. Davis, for services in the army of the late Republic of Texas, and a bill for the relief of the heirs of John Gay, which were read first and second times, and referred to the committee on Private Land Claims.

On motion of Mr. Guinn, a bill to authorize and require the commissioner of claims to issue certain head-right certificates therein named, was taken from the table and read.

On motion of Mr. Guinn, the bill was amended by striking out "to the heirs of Wm. T. Dobbin a certificate for one-third of a league," the proof not being sufficient to support the application or relief sought, and the bill was ordered to be engrossed.

Rule suspended, bill read third time and passed.

On motion of Mr. Paschal, the report of the committee of

conference on a bill to purchase the Alamo Monument, was taken up and read.

Upon the adoption of the Report the yeas and nays were as follows :

YEAS—Messrs Britton, Caldwell, Grimes, Hyde, McCulloch, Martin, Maverick, Paschal, Pedigo, Truitt, Whaley and Wren—12.

NAYS.—Messrs. Burroughs, Erath, Guinn, Lott, Pirkey, Potter, Stockdale, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Throckmorton, and Walker—12.

There being a tie vote, the President voted in the affirmative, so the report was adopted.

The report of the committee on the Judiciary, offering a substitute for a joint resolution proposing an amendment to the Constitution, so as to allow the school lands to be disposed of, was taken up, read, and substitute adopted.

On motion of Mr. Guinn, the joint resolution was laid on the table.

The reports from the majority and minority of the select committee, and the joint resolutions relative to the arrest of General William Walker, special order for to-night, were taken up and read.

On motion of Mr. Throckmorton, the resolutions and reports were laid on the table by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Hyde, Martin, Maverick, Paschal, Pirkey, Quinan, Tankersly, Taylor, of Fannin, Throckmorton, Truitt, Whaley, Wigfall and Wren—19.

NAYS—Messrs. Britton, Herbert, Lott, McCulloch, Pedigo, Potter, Stockdale, Taylor of Cass, Taylor of Houston and Walker—10.

Mr. Russell moved a reconsideration of the vote just taken.

On motion of Mr. Paschal, made the special order for Monday next, at 7 o'clock P. M.

The report of the committee on State Affairs, recommending the rejection of the petition of J. S. Nash & Co., was read and adopted.

On motion of Mr. Paschal, the joint resolution, proposing to call a convention to re-model the Constitution of the State of Texas, was taken up and read.

On motion of Mr. Tankersly, the Senate adjourned until 10 o'clock, Monday morning.